

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-10487/NG
)	
MITT ROMNEY, in his official capacity as)	
GOVERNOR OF MASSACHUSETTS, et al.,)	
)	
Defendants.)	
)	

MOTION TO DISMISS

Pursuant to Fed. Rule Civ. P. 12(b)(6), Defendants the Massachusetts Bay Transportation Authority (the “MBTA”) and its General Manager Michael H. Mulhern (collectively, the “MBTA Defendants”) move to dismiss Counts 1, 5-12 and 17-19 of Plaintiff Conservation Law Foundation’s (“CLF”) Complaint in their entirety, and Counts 2 and 4 of the Complaint in part, for failure to state valid claims for relief under the Clean Air Act’s citizen suit provisions, 42 U.S.C. § 7604. In support of its Motion to Dismiss (the “Motion”), the MBTA Defendants refer the Court to their Memorandum in Support of the MBTA Defendants’ Motion to Dismiss.

The parties have conferred regarding this Motion pursuant to Local Rule 7.1(A)(2), and the Defendants have expressed their intention to oppose it.

Respectfully submitted,

MASSACHUSETTS BAY TRANSPORTATION
AUTHORITY and MICHAEL H. MULHERN

By their attorneys,

/s/ Dean Richlin
Dean Richlin (BBO# 419200)
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Date: April 22, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Randall Kromm, hereby certify that on April 21, 2005, I conferred with Peter Shelley, counsel for the Plaintiff Conservation Law Foundation, in a good faith attempt to resolve or narrow the issues raised by this Motion and that Attorney Shelley indicated his intent to oppose the Motion.

/s/ Randall Kromm
Randall Kromm